

## Frequently Asked Questions

### 1. How do I apply?

All applications for Without Condition As To Time must be submitted in writing to the Irish Naturalisation and Immigration Service. You must complete the Without Condition As To Time application form and submit it, with all the required documentation to the following address:

Residence Unit 3,  
Irish Naturalisation and Immigration Service,  
13/14 Burgh Quay,  
Dublin 2,  
D02 XK70.

Incomplete application forms will not be processed and will be returned to the applicant.

### 2. What is the qualifying criteria for applying Without Condition As To Time?

- You have completed **8 years (96 months) legal residence in Ireland under the appropriate permission** (which must be reflected by immigration stamps in your passports), and,
- you **are of good character** (have not come to the adverse attention of An Garda Síochána, or have become an undue burden on the State (see question 26)), and
- you have **abided by the conditions of your previous permissions** to remain in the State, and
- you are **currently legally resident** in the state when you make the application, which is reflected by an immigration stamp in your passport.

Applicants must meet **all** of the above criteria in order to be granted Without Condition As To Time endorsement.

### 3. When to apply for Without Condition As To Time permission?

- You may only apply for a Without Conditions As To Time endorsement when you have **completed 96 months legal residence in the State** (which must be reflected by immigration stamps in your passports).
- If you are on a Stamp 4 or Stamp 5 you can only apply in the last 6 months of your current permission.
- If an application is received from a person before the 96 months legal residence has elapsed the application will not be accepted and will be returned.

- If an application is received from a person holding a stamp 4 or stamp 5, who have more than 6 months permission remaining in their current permission, your application will not be accepted and will be returned.
- Currently applications are taking up to 6 months to process. Applicants are required to keep their permission to remain up to date while their application is being processed. Failure to do will result in a refusal decision being issued.

#### 4. Which stamps count towards Without Condition As To Time?

Only immigration stamps in a passport can be counted towards a Without Condition As To Time application.

The following stamps **do qualify**:

- **Stamp 1**
- **Stamp 3**
- **Stamp 4**
- **Stamp EuFam**

#### 5. Which stamps do not count towards Without Condition As To Time?

The following stamps **do not qualify** for Without Conditions As To Time stamp (Stamp 5).

- **Stamp 0**
- **Student - Stamp 2 or Stamp 2A**
- **Temporary Registered Doctors - Stamp 4**
- **Trainee Accountants - Stamp 1A**
- **Intra Company Transfer - Stamp 4**
- **Spouse or dependent of an Intra Company Transfer – Stamp 3**
- **Temporary visitors permission granted at the port of entry**

If you have any of these type stamps in your passport **they will not be counted** towards the **96 months legal residence** required.

#### 6. What documents are required as part of your application?

- Completed application form **and**
- Full colour copy of your past **and** current passport showing all your immigration permissions to be in the State **and**
- A copy of the [Irish Residence Permit \(IRP\) or GNIB Card](#) **and**
- Applicants are requested to submit financial documentation proving continuous residence in the State. This may include copies of tax returns and other State issued documents (poor quality documentation will be rejected).

If the endorsement is to be granted you will be asked to forward your original passport via registered post. You will also be required to include a self-addressed

envelope with sufficient postage stamps to cover the cost of returning your documents to you by registered post.

**7. I am currently not residing in Ireland, can I apply for permission under this scheme before I enter Ireland?**

No, applications are only accepted from applicants who are residing in the State.

**8. How do I renew my Without Condition As To Time permission to remain in the State?**

All renewal applications must be submitted on the Without Condition As To Time [application form](#) to INIS for processing. All required documentation must be submitted.

Incomplete application forms will not be processed and will be returned to the applicant.

**9. I have been told that, if granted a right of residency, I will have a Stamp 5 based permission to remain in Ireland. What does this mean?**

A stamp 5 means that the holder has an immigration permission to be in the State and the right to work without the need for an Employment Permit. It does not, however, confer on the holder an entitlement to any particular public service or funding. Such matters are determined by the relevant government departments or State agencies.

Once a person is granted permission to remain on Stamp 5 conditions, it is generally renewed subject to the laws of the State being observed and other conditions being complied with. Such conditions will be set out in your decision letter.

**10. How long will it take to process my application?**

Currently applications are taking up to 6 months to process.

**11. How can I contact the Irish Naturalisation and Immigration Service regarding the status of my application?**

Queries can be made by email or post. Contact details are listed below:

Email queries may be addressed to [stamp5and6@justice.ie](mailto:stamp5and6@justice.ie). Please ensure that all queries include your name, reference number and contact details.

Alternatively, queries can be posted to the following address:

Residence Unit 3  
Irish Naturalisation and Immigration Service  
13/14 Burgh Quay  
Dublin 2  
D02 XK70

*It would greatly assist us if you only contact us if it is absolutely necessary as this will allow us to devote the maximum time to the processing of applications.*

**12. If I qualify for Without Condition As To Time permission to remain, for what length of time will I be granted permission?**

All successful applicants are granted permission to remain in the State until the expiry of their current passport.

**13. What happens if my application is successful?**

If your application is successful, you will be required to submit your original passport by registered post, and including a self addressed envelope with sufficient postage stamps to cover the cost of returning your documents to you by registered post to the Irish Naturalisation and Immigration Service, in order for the appropriate stamp (stamp 5) to be placed in the passport. Once your passport with the stamp in it, is returned to you, you **must** make an appointment with your local immigration office in order to register the permission <http://www.inis.gov.ie/en/INIS/Pages/registration> and pay the appropriate registration fee.

**14. What happens if my application is refused?**

We will advise you of the Minister's decision and the reasons why your application was refused.

There is no appeal process.

You can re-apply for Without Condition As To Time permission at any time. When doing so, you should pay careful attention to the reasons your previous application was refused.

**15. What are the conditions attached to my permission?**

The following conditions will apply to your temporary permission to remain in the State:

- That you will obey the laws of the State;
- That you will not become involved in criminal activity;
- That you will reside continuously in the State; \*
- That you will make every effort to gain employment and not be an undue burden on the State;

- **That you accept that the granting of your temporary permission does not confer any entitlement or legitimate expectation on any other person, whether related to you or not, to enter or remain in the State.**

\* 'Continuous residency' means living in the State for the period covered by this temporary permission to remain, allowing for reasonable periods of absence from the State for holidays, exceptional family circumstances or commitments outside the State arising from business or employment carried out within the State (which for Without Condition As To Time endorsement, does not exceed more than 4 months in a year).

The permission is granted on the basis of genuine evidence that the applicant has been residing in the State for 96 months.

Any misinformation given during the application process may result in the application being refused.

#### **16. What permission will I be given if my Without Condition As To Time permission is refused?**

If your application/renewal is refused, you may be able to return to your previous permission (on the basis that you still meet the qualifying criteria for that permission, and having abided by the conditions attached to your previous permission). In order to revert to this permission you should write to the relevant area of INIS seeking permission to remain in the State. Further information is available on the INIS website [www.inis.gov.ie/en/INIS/Pages/Contact](http://www.inis.gov.ie/en/INIS/Pages/Contact)

#### **17. I have been granted permission to remain in the State, can this permission be revoked?**

It is important to note that this permission to remain in the State is granted to you subject to the result of enquiries as to whether or not you have obeyed the laws of the State, have been convicted of any offence and that you have not been involved in criminal activity.

In the event that information comes to the attention of the Minister which is relevant to the granting of permission to remain in the State to you, the Minister may re-consider your status in the State and may revoke your permission. In the event that this occurs, the Minister may propose to deport you from the State.

The following, which is not an exhaustive list, are some of the types of information, which may lead to the Minister revoking your permission:

- Information that shows that you have not complied with the conditions of your permission,

- Information which relates to your character or conduct (whether prior to or subsequent to the granting of your permission), including criminal convictions,
- Information which indicates that you have failed to register your permission to remain as required,
- Information which indicates that you have provided misleading or inaccurate information to the Minister or to other authorities of the State.

**18. I have been granted Without Condition As To Time permission, can my family members obtain a Without Condition As To Time permission?**

Without Condition As To Time permission does not confer any entitlement on any family member to receive a Without Condition As To Time permission. Each person must qualify for the endorsement in his or her own right.

**19. I have been granted Without Condition As To Time, can my family members obtain a stamp 4?**

Without Condition As To Time permission does not confer any entitlement on any family member to receive a stamp 4 permission. Each person must qualify for a stamp 4 permission in his or her own right.

**20. I wish to apply for Without Condition As To Time permission. Will I need to make my case through a solicitor or another 3<sup>rd</sup> Party?**

There is no requirement for the application to be submitted through a solicitor. Once the application form is completed and the required documentation is submitted, the case is considered on its merits regardless of whether it was submitted by an individual or by a solicitor acting on his/her behalf. However, if you decide to make your case through a solicitor, you will need to give your written consent to that solicitor to act on your behalf for the purposes of your dealings with the Irish Naturalisation and Immigration Service (INIS)/Department of Justice and Equality. Where such written consent is not included in correspondence received from a solicitor, the Department will not be in a position to respond substantively to that solicitor but will instead request the solicitor to submit evidence of their written authority to act on your behalf, and may result in a delay in processing your application.

**21. I have been convicted of a criminal offence in the State, will I be granted Without Condition As To Time?**

Without Condition As To Time permission is only granted when the Minister is satisfied that you are of good character. If you have been convicted of a criminal offence in the State, you will not be granted Without Condition As To Time permission.

**22. I previously obtained Without Condition As To Time permission, and I have since been convicted of a criminal offence in the State, will my Without Condition As To Time permission be renewed?**

Without Condition As To Time permission is only granted when the Minister is satisfied that you are of good character. If you have been convicted of a criminal offence in the State, your Without Condition As To Time permission will not be renewed.

**23. I have been charged with a criminal offence and am awaiting trial. Will this affect my application/renewal?**

Without Condition As To Time permission is only granted when the Minister is satisfied that you are of good character. If you have been charged and are awaiting trial, your application will be placed on hold until the outcome of the trial. Please note, that it is up to you to ensure that your permission to remain in the State is up to date at all times. Applications will not be accepted from applications who do not hold a current residence permission in the State.

**24. Is there a fee for making an application for Without Condition As To Time?**

No, currently there is no application fee. However, if you qualify for the endorsement, you will be required to pay the appropriate registration fee when you register the endorsement with your local immigration office  
<http://www.inis.gov.ie/en/INIS/Pages/registration-fees>

**25. If I am granted a Without Condition As To Time endorsement and I fail to register the endorsement with my local immigration office, will I be granted a renewal of this endorsement when it expires?**

No, having been granted the endorsement there is a legal requirement that you register the permission with your local immigration office.

**26. I may be refused a Without Condition As To Time endorsement if I am an undue burden on the State. How is 'an undue burden on the State' defined?**

A person in receipt of social welfare payment, which is not related to their Pay Related Social Insurance (PRSI) contributions or is means tested is a person who is 'a burden on the State.' Persons applying for a renewal of a Without Condition As To Time endorsement and are in receipt of a means tested payment will have their application considered in the context of their personal circumstances and the amount of means tested social welfare they have been granted.